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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 997 Session of  
2020

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INTRODUCED BY STEFANO, JANUARY 24, 2020

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REFERRED TO FINANCE, JANUARY 24, 2020

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AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania  
2 Consolidated Statutes, in membership, credited service,  
3 classes of service and eligibility for benefits, providing  
4 for election to purchase nonintervening military service;  
5 and, in administration, funds, accounts and general  
6 provisions, further providing for construction of part.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Title 71 is amended by adding a section to read:

10 § 5306.6. Election to purchase nonintervening military service.

11 (a) General rule.--A State employee who first becomes a  
12 State police officer on or after January 1, 2019, and before the  
13 effective date of this section, may elect to have nonintervening  
14 military service, as provided under section 5304(c)(2) (relating  
15 to creditable nonstate service), that is purchased while a State  
16 police officer apply toward the calculation of pension or  
17 retirement benefits or rights under the binding arbitration  
18 award issued under the act of June 24, 1968 (P.L.237, No.111),  
19 referred to as the Policemen and Firemen Collective Bargaining  
20 Act.

1 (b) Period for making election.--

2 (1) Except as provided under paragraph (2), a State  
3 police officer must make the election under subsection (a) by  
4 filing written notice with the board within 90 days after the  
5 effective date of this section or before the State police  
6 officer terminates service as a State police officer,  
7 whichever is first.

8 (2) A State police officer who may make an election  
9 under subsection (a) and who begins USERRA leave during the  
10 election period without having made an election under  
11 subsection (a) shall have the election period extended by the  
12 number of days on USERRA leave.

13 (c) Effect of election.--An election under subsection (a)  
14 shall permit a State police officer to purchase nonintervening  
15 military service toward the eligibility for and calculation of  
16 pension or retirement benefits or rights previously established  
17 by or as a result of a binding arbitration award under the  
18 Policemen and Firemen Collective Bargaining Act. If the election  
19 is made, only nonintervening military service purchased while a  
20 State police officer shall apply toward the eligibility for and  
21 calculation of pension or retirement benefits or rights under  
22 the binding arbitration award. Nonintervening military service  
23 purchased by an electing member while not a State police officer  
24 and other types of creditable nonstate service purchased by an  
25 electing member shall not apply toward the eligibility for and  
26 calculation of pension or retirement benefits or rights under  
27 the binding arbitration award. If an electing member is eligible  
28 for pension or retirement benefits or rights under the binding  
29 arbitration award, the nonintervening military service purchased  
30 while a State police officer may not be applied for eligibility

1 or calculation of any other benefit under this part.

2 (d) Effect of failure to elect.--Failure to elect the  
3 eligibility to purchase nonintervening military service within  
4 the period under subsection (b) shall result in the inability to  
5 apply any purchase of nonintervening military service toward the  
6 eligibility for and calculation of pension or retirement  
7 benefits or rights under the binding arbitration award. If a  
8 State police officer fails to elect to become eligible to  
9 purchase nonintervening military service in the election period,  
10 the provisions under the act of June 12, 2017 (P.L.11, No.5),  
11 entitled, "An act amending Titles 24 (Education), 51 (Military  
12 Affairs) and 71 (State Government) of the Pennsylvania  
13 Consolidated Statutes, extensively revising pension provisions  
14 as follows:

15 In Title 24:

16 for retirement for school employees, in the areas of  
17 preliminary provisions, of membership, contributions and  
18 benefits, of school employees' defined contribution plan and of  
19 administration and miscellaneous provisions; and

20 for health insurance for retired school employees, in the  
21 area of preliminary provisions.

22 In Title 51:

23 for employment preferences and pensions, in the area of  
24 military leave of absence.

25 In Title 71:

26 for boards and offices, in the area of Independent Fiscal  
27 Office; and

28 for retirement for State employees and officers, in the areas  
29 of preliminary provisions, of membership, credited service,  
30 classes of service and eligibility for benefits, of

1 contributions, of benefits, of State employees' defined  
2 contribution plan and of administration, funds, accounts,  
3 general provisions.

4 Providing, as to the revisions:  
5 for construction and administration, for applicability, for  
6 liability, for member statements and for suspension of  
7 provisions of the Public Employee Retirement Study Commission  
8 Act," shall be followed.

9 (e) Purchase required.--Nothing under this section or  
10 section 5955(c) (relating to construction of part) shall do any  
11 of the following:

12 (1) Imply that the other requirements to obtain  
13 creditable nonstate service under this part shall not apply.

14 (2) Grant nonstate service credit for nonintervening  
15 military service unless the member completes the purchase as  
16 required under this part and by the board.

17 Section 2. Section 5955(c) (1), (3) and (4) of Title 71 are  
18 amended to read:

19 § 5955. Construction of part.

20 \* \* \*

21 (c) Officer or member of the Pennsylvania State Police.--

22 (1) Notwithstanding a provision of subsection (a) or  
23 section 12.1 of the act of November 23, 2010 (P.L.1269,  
24 No.120), regarding the continued effectiveness of pension or  
25 retirement benefits or rights previously established by or as  
26 a result of a binding arbitration award issued before July 1,  
27 1989, under the act of June 24, 1968 (P.L.237, No.111),  
28 referred to as the Policemen and Firemen Collective  
29 Bargaining Act, and implemented by the board, the eligibility  
30 for and calculation of pension or retirement benefits or

1 rights under the binding arbitration award of a State  
2 employee who first becomes a State police officer on or after  
3 January 1, 2019, and before the effective date of section  
4 5306.6 (relating to election to purchase nonintervening  
5 military service) who does not make the election under  
6 section 5306.6, shall be determined using only service  
7 performed and compensation and eligibility points earned as  
8 an officer or member of the Pennsylvania State Police or  
9 while on USERRA leave from service as an officer or member of  
10 the Pennsylvania State Police and provided that service  
11 credit and eligibility points for service as an officer or  
12 member of the Pennsylvania State Police shall be adjusted for  
13 any other concurrent service as a State employee.

14 \* \* \*

15 (3) [(Reserved).] The following shall apply:

16 (i) The eligibility for and calculation of pension  
17 or retirement benefits or rights under the binding  
18 arbitration award of a State employee who first becomes a  
19 State police officer on or after January 1, 2019, and  
20 before the effective date of section 5306.6 and who makes  
21 the election under section 5306.6, or who first becomes a  
22 State police officer on or after the effective date of  
23 section 5306.6, shall be determined using only service  
24 performed and compensation and eligibility points earned:

25 (A) as an officer or member of the Pennsylvania  
26 State Police;

27 (B) while on USERRA leave from service as an  
28 officer or member of the Pennsylvania State Police;

29 or

30 (C) from creditable nonstate service purchased

1           under section 5304(c) (2) (relating to creditable  
2           nonstate service) while an officer or member of the  
3           Pennsylvania State Police.

4           (ii) Service credit and eligibility points for  
5           service as an officer or member of the Pennsylvania State  
6           Police shall be adjusted for any other concurrent service  
7           as a State employee.

8           (iii) Any service, other than the following,  
9           purchased or performed by a State employee eligible for a  
10           benefit under the binding arbitration award shall be used  
11           to determine benefits as provided under this part in  
12           addition to any benefit an officer or member of the  
13           Pennsylvania State Police is eligible to receive under  
14           the binding arbitration award as provided under this  
15           subsection:

16                   (A) Creditable nonstate service purchased under  
17                   section 5304(c) (2) while an officer or member of the  
18                   Pennsylvania State Police.

19                   (B) Service as an officer or member of the  
20                   Pennsylvania State Police.

21           (4) A State employee who [first becomes a State police  
22           officer on or after January 1, 2019, who does not have 20 or  
23           more eligibility points as an officer or member of the  
24           Pennsylvania State Police or from USERRA leave from service  
25           as an officer or member of the Pennsylvania State Police]  
26           meets either of the following and who terminates State  
27           service on or after January 1, 2019, shall be eligible to  
28           receive a maximum single life annuity before optional  
29           modification under section 5705 (relating to member's  
30           options) equal to the maximum single life annuity that the

1 State employee is eligible to receive under this part  
2 attributable to all credited service, compensation and  
3 eligibility points[.]:

4 (i) First becomes a State police officer on or after  
5 January 1, 2019, and before the effective date of section  
6 5306.6 and who did not make the election under section  
7 5306.6 who does not have 20 or more eligibility points as  
8 an officer or member of the Pennsylvania State Police or  
9 from USERRA leave from service as an officer or member of  
10 the Pennsylvania State Police.

11 (ii) First becomes a State police officer on or  
12 after January 1, 2019, and who made the election under  
13 section 5306.6, or who first becomes a State police  
14 officer on or after the effective date of section 5306.6  
15 who does not have 20 or more eligibility points as an  
16 officer or member of the Pennsylvania State Police or  
17 from USERRA leave from service as an officer or member of  
18 the Pennsylvania State Police or from creditable nonstate  
19 service purchased under section 5304(c)(2).

20 \* \* \*

21 Section 3. This act shall take effect immediately.